

## ***INTERACTIVE GUIDES:***

Recommended Steps for Serving English as a Second Language (ESL) Students

Guide for Writing District ESL Policy & Procedures

## Recommended Steps for Serving English as a Second Language (ESL) Students

### STEP 1: IDENTIFICATION OF NON-ENGLISH LANGUAGE BACKGROUND (NELB) STUDENTS USING A PRIMARY/HOME LANGUAGE SURVEY FORM

Conduct survey with parent/guardian(s) and student at time of enrollment to identify student's primary or home language. The survey should be administered by an individual trained to understand the legal, linguistic and cultural significance of the survey. A copy of the survey should be placed in student's personal file.

#### NEW STUDENTS

Identify student's primary/home language with a Primary/Home Language Survey form at time of enrollment.

#### PREVIOUSLY ENROLLED STUDENTS

Conduct district-wide survey to identify all students who have a language other than English in their background.

#### NON-ENGLISH LANGUAGE BACKGROUND (NELB) STUDENTS

Students indicating a language other than English in their background.

#### ENGLISH-ONLY

Student has indicated English-only on survey.

- No ESL Instructional Support Services

### STEP 2: SCREENING NELB STUDENTS

Screen NELB student's background by collecting data to determine student's language and educational experiences.

#### NEW STUDENTS

- ◆ Interview student and parent/guardian(s) regarding:
  - Educational history (school records)
  - Language & literacy skills
  - Health needs and/or special needs
  - Cultural background

#### PREVIOUSLY ENROLLED STUDENTS

Screen NELB students who are not performing at grade level.

- ◆ Review school records and test results
- ◆ Interview student and parent/guardian(s) regarding:
  - Native language & literacy background
  - Health needs and/or special needs
  - Cultural background

**STEP 3: INITIAL ASSESSMENT OF NELB STUDENTS' LANGUAGE AND ACADEMIC SKILLS FOR CLASSIFICATION AND INSTRUCTIONAL PLACEMENT**

<p align="center"><b>ASSESS ENGLISH LANGUAGE &amp; NATIVE LANGUAGE PROFICIENCY</b></p> <p>Classify the student's English language proficiency (listening, speaking, reading and writing) and determine instructional level.</p>		
(NEP) Non-English Proficiency	Entry-Level	<ul style="list-style-type: none"> <li>• No comprehension, verbal production or reading/writing skills in English</li> </ul>
(LEP) Limited English Proficiency	Beginner	<ul style="list-style-type: none"> <li>• Limited comprehension</li> <li>• Speech limited to isolated words &amp; simple phrases</li> <li>• No or minimal reading &amp; writing skills</li> </ul>
	Intermediate	<ul style="list-style-type: none"> <li>• Improving comprehension of everyday speech and increased fluency, vocabulary and grammatical control</li> <li>• Very limited ability to understand classroom discourse and read/write in English for academic purposes</li> </ul>
	Advanced	<ul style="list-style-type: none"> <li>• Good conversational skills</li> <li>• Still lacks control of academic language</li> <li>• Requires support in content area classes</li> </ul>
(TEP) Transitional English Proficiency	Transitional	<ul style="list-style-type: none"> <li>• Excellent conversational skills</li> <li>• Level of academic language not yet at full potential or comparable to peers</li> <li>• Expanding listening, reading/writing, thinking skills for grade-level academic work</li> </ul>
(FEP) Fluent English Proficiency	Fluent	<ul style="list-style-type: none"> <li>• Excellent control of social and academic language</li> <li>• Grade appropriate listening, speaking, reading, and writing skills</li> </ul>

**ASSESS ACADEMIC SKILLS/KNOWLEDGE FOR INSTRUCTIONAL PLACEMENT**

- Review student's previous academic performance (school records, formal interview).
- Assess student's skills in the content areas in English and the native language, whenever possible, with appropriate informal/formal methods.

#### **STEP 4: PLACEMENT AND PROVISION OF APPROPRIATE SERVICES**

**Review student's language and academic needs and begin process of planning appropriate instructional program.**

#### **INSTRUCTIONAL PROGRAMS & SUPPORT SERVICES**

- Alternative language program--e.g., ESL, Bilingual
- Content area instruction--e.g., Content-based ESL, Sheltered Content, Bilingual Instruction in the Content Area(s), Native Language Tutoring in Content Area(s)
- Acculturation & Counseling Services
- Other program options--**[Refer to Chapter Eight, p. 127].**

#### **STEP 5: MONITORING & GUIDING STUDENT PROGRESS & PROGRAM EFFECTIVENESS**

- Monitor & guide students' progress in developing language and content skills/knowledge through informal/formal assessment.
- Determine when student is ready to participate fully in grade-level classes (exit criteria).
- Monitor for 3 years following exit from ESL and academic support services.
- Evaluate effectiveness of individualized & district-level programs for ESL Students.

## Appendix D

### GUIDE FOR WRITING DISTRICT ESL POLICY & PROCEDURES

It is the intent of the \_\_\_\_\_ school board to ensure that all English as a Second Language (ESL) students have meaningful access to all school programs. Language and academic assistance will be provided to help ESL students overcome language barriers and participate in instructional programs. The superintendent or his or her designee shall be responsible for developing and implementing procedures to comply with federal and state laws which define standards for serving ESL students.

The required steps for ensuring ESL students access to a quality educational program, and their legal references, are stated below.<sup>5</sup> These steps may serve as policy goals. Under each goal is a box containing items to guide districts in describing procedures to implement the goals.

**REQUIREMENT:** Identify and screen all students *whose primary or home language is other than English*, and who therefore may have difficulty performing grade-level classwork in English and achieving on parity with *native* English speaking peers.

**References:** *Office for Civil Rights 1970 Memo (list of requirements based on Title VI of 1964 Civil Rights Act); Lau v. Nichols 1974 (Supreme Court decision); The Provision of an Equal Education Opportunity to Limited English Proficient Students, Office for Civil Rights; December 1992; OCR September 1991 Memo.*

#### **Procedures A and B:**

**A.** Describe the procedures your district will implement to *identify* all students whose *primary or home language* is other than English (i.e., forms and routines used to identify both new enrollees and previously enrolled students; training for intake staff; time frame for administering procedures; use of translated forms and interpreter/translators as needed). **[Refer to Step One: Identification of NELB Students, Chapter Five, p. 65.]**

#### ***Worksheet***

---

<sup>5</sup>This guide is based on the Vermont School Board Association's 1994 *Model Policy for Limited English Proficiency Students*, Office for Civil Rights' guidelines, and Robert C. Parker's *Compliance Reference Chart*.

**B.** Describe the procedures for *initial screening* of linguistic, educational, & cultural background of all students who are identified as having a primary or home language other than English (i.e., initial screening processes-- review of previous school records and test scores; formal interview with student(s), parent/guardian(s) and interpreter using screening form; health/special needs screening; person(s) responsible for initial screening activities; timelines). **[Refer to Step Two: Screening of NELB Students, Chapter Six, p. 72.]**

***Worksheet***

**REQUIREMENT:** Assess the English language proficiency (*and whenever possible, primary/home language and academic skills*) of students to determine the need for alternative instructional services and placement in appropriate services (classify English proficiency level & assess for instructional placement).

**References:** *Office for Civil Rights 1970 Memo (list of requirements based on Title VI of 1964 Civil Rights Act); Gomez v. Illinois State Board of Education 1987, US Court of Appeals, 7th Circuit; The Provision of an Equal Education Opportunity to Limited English Proficient Students, Office for Civil Rights, December 1992; OCR September 1991 Memo.*

**Procedures A and B:**

**A.** Describe the procedures that will be used to assess the English language proficiency (listening, speaking, reading and writing) of all students for whom initial screening provided no objective proof of fluent English proficiency or record of grade-level content skills/knowledge (i.e., formal & informal assessment methods and tests; designated evaluator(s); criteria to be used in determining language proficiency classifications and instructional placement). **[Refer to Assessment Plan Outline in Appendix G, Chapter Seven, p. 106 for guide in developing comprehensive identification, screening, assessment and monitoring procedures. Also, Step Three: Initial Assessment of NELB Students for Classification & Placement, Chapter 7, p. 89.]**

***Worksheet***

**B.** Recommended Option: Describe the strategies for assessing students' proficiency in the primary or home language and academic background and content knowledge/skills, (i.e., formal and informal assessments; use of bilingual evaluators and/or interpreters; use of primary language and second language). **[Refer to Step Three: Initial Assessment, Chapter Seven, p. 89.]**

*Worksheet*



**REQUIREMENT:** Design or adopt instructional programs based on effective teaching practices in the field of second language education. Instructional programs should help ESL students develop English language skills of comprehension, speaking, reading, writing and higher-order thinking skills necessary for learning and achieving in grade-level classes at a level comparable to English-speaking peers. Instruction provided must be designed specifically for student's ESL proficiency and cognitive levels and be sufficient duration of time for the student to develop academic language skills.

**References**

*Castañeda v. Pickard* 1981, *US Court of Appeals, 5th Circuit*; *US Mandate: Equal Education Act* 1974; *Titles VI of Civil Rights Act* 1964; *Rios v. Read* 1977, *Clinton v. Brentwood* 1977, 1978; *Gomez v. Illinois State Board of Education* 1987, *US Court of Appeals, 7th Circuit*; *The Provision of an Equal Education Opportunity to Limited English Proficient Students*, *Office for Civil Rights*, December 1992.

**Procedures: A and B:**

**A.** Describe instructional placement procedures for students needing language assistance and academic support programs. [**Refer to Step Four: Placement and Provision of Appropriate Services--Instructional Placement and Planning Procedures, Chapter Eight, p. 120 and Guidelines & Resources for Placement and Provision of Appropriate Instructional and Support Services, p. 124.**]

**Worksheet**

**B.** Describe the language and content instruction that will be provided to ESL students (i.e., program design; instructional approaches; curriculum; materials and resources; scheduled hours of ESL instruction based on proficiency classifications and ESL instructional levels; classroom space; and supplemental or adjunct services. **[For detailed outline to use as instructional planning guide, see Appendix H, Chapter Eight, p. 150. Also, refer to *Appropriate Instructional and Support Services*, p. 124.]**

***Worksheet***

**REQUIREMENT:** Provide qualified teachers for ESL students. Qualified professionals are needed to carry out the district's chosen language instruction program. If unsuccessful in efforts to hire qualified staff: (a) require teacher(s) to work toward obtaining formal qualifications and (b) provide sufficient interim training and assistance for teacher(s). (Recruitment of qualified staff must be well-documented).

**References:** *Title VI of the Civil Rights Act 1964; Equal Education Act 1974; Castañeda v. Pickard 1981, US Court of Appeals, 5th Circuit; Keyes v. School District #1 1984, US District Court; Office for Civil Rights September 1991 Memo.*

**Procedure:**

Identify staff who coordinate and teach instructional programs for ESL students in all schools, (i.e., required qualifications--in-service training, formal college coursework, ESL teaching experience, or a combination of these). Describe how teachers will be supervised and evaluated and also training and support that will be provided for language and content teachers working with ESL students. If unable to recruit qualified teachers, describe the district's interim plan. **[Refer to Placement and Provision of Appropriate Services, Chapter Eight, p. 130, for description of staffing/training requirements.]**

***Worksheet***

**REQUIREMENT:** Objectively assess the ongoing progress of ESL students in developing grade-level language and content skills/knowledge. This is done in order to reclassify language proficiency and determine when students can be assigned to academic classes on either a partial or full-time basis. Standards for exit from language and academic support programs should include objective assessments, and should be designed to determine whether students are able to read, write and comprehend English well enough to participate meaningfully in the school district's programs.

**References:** Castañeda v. Pickard 1981; US Court of Appeals, 5th Circuit; The *Provision of an Equal Education Opportunity to Limited English Proficient Students*, Office for Civil Rights, December 1992; OCR September 1991 Memo; Keyes v. School District #1, US District Court, 1983.

**Procedures A and B:**

**A.** Describe how your district will monitor and guide the ongoing development of ESL students' language and content skills/knowledge (i.e., procedures, strategies/tests (informal & formal methods). **[Refer to Step Five: Monitoring and Guiding Student Progress & Program Effectiveness, Chapter Nine, p. 171.]**

***Worksheet***

**B.** Describe procedures, multiple criteria, and methods (informal & formal) which will be used to determine when to exit ESL students from services. **[Refer to Step Five: Monitoring and Guiding Student Progress & Program Effectiveness, Chapter Nine, p. 177.]**

*Worksheet*

**REQUIREMENT:** Monitor the academic achievement of students reclassified as fluent English proficient to determine whether they are successful completing grade-level academic work. Monitoring of newly reclassified students should take place for three years to ensure that ongoing needs of non-English language background students are addressed.

**References:** *Castañeda v. Pickard 1981, US Court of Appeals, 5th Circuit; OCR September 1991 Memo.*

**Procedure:**

Describe how your district will monitor the performance of ESL students after they have been reclassified as fluent English proficient and placed full-time in grade-level classes without services, (i.e., persons who will monitor performance; procedures; policy if student is found to be having difficulty). **[Refer to Step Five: Monitoring and Guiding Student Progress & Program Effectiveness, Chapter Nine, p. 181.]**

***Worksheet***

**REQUIREMENT:** Maintain adequate records of the educational level and progress of each ESL student identified as in need of language and academic support programs, and make them available to appropriate staff members and parent/legal guardian(s).

**References:** *Castañeda v. Pickard* 1981, *US Court of Appeals, 5th Circuit*; *The Provision of an Equal Education Opportunity to Limited English Proficient Students*, Office for Civil Rights; *OCR September 1991 Memo*.

**Procedure:**

Describe how your district will maintain and share records indicating ESL students' progress in language and content skills/knowledge. **[Refer to Step Five: Monitoring and Guiding Student Progress & Program Effectiveness, Chapter Nine, pp. 172, 177.]**

***Worksheet***

**REQUIREMENT:** Evaluate language and academic assistance *district programs* for ESL students periodically and make modifications when necessary. Document services provided, the program's successful effect on student performance, and modifications to make the program successful (burden of proof on the district).

**References:** *The Provision of an Equal Education Opportunity to Limited English Proficient Students, Office for Civil Rights, December 1992; OCR September 1991 Memo.*

**Procedure:**

Describe how your district will document services and evaluate the effectiveness of alternative language and academic programs serving ESL students, (i.e., frequency of program evaluation; resource to be utilized; persons in charge; and a process for modifying programs if students are doing poorly.) **[Refer to Step Five: Monitoring and Guiding Student Progress & Program Effectiveness, Chapter Nine, p. 183.]**

***Worksheet***



**REQUIREMENT:** Provide notices of school activities and important information about their children to parent/guardian(s), who are not proficient in English, in a language they can understand.

**References:** *Office for Civil Rights 1970 Memo; The Provision of an Equal Education Opportunity to Limited English Proficient Students, Office for Civil Rights, December 1992; OCR September 1991 Memo.*

**Procedures:** Describe the steps your district will take to inform parent/guardian(s) who are not proficient in English, in a language they can understand (i.e., translations of forms; use of interpreter/translator resources).  
**[Refer to Step One: Identification of NELB Students, Chapter Five, p. 65.]**

*Worksheet*

**REQUIREMENT:** Take affirmative steps to ensure that ESL students will not be assigned to Special Education on the basis of limited English proficiency.

**References:** *The Provision of an Equal Education Opportunity to Limited English Proficient Students, Office for Civil Rights, December 1992; Office for Civil Rights 1970 Memo (list of requirements based on Title VI of 1964 Civil Rights Act); OCR September 1991 Memo; Individuals with Disabilities Education Act (IDEA; Jose P. v. Ambach 1979( Federal Court decision).*

**Procedures:** Describe the steps your district will take to prevent *inappropriate* placement of ESL students in special education solely on the basis on language skills (i.e., involvement of ESL or bilingual specialists; providing access to nonbiased--linguistically and culturally--methods of assessing special needs; assessing students in primary or home language, whenever possible; using appropriate strategies or tests for ESL students; notification and involvement of parent/guardian(s) re referrals and special education evaluations (in a language they understand). **[Refer to Step Two: Screening, Chapter Six, p. 82.]**

**Worksheet**